



General Assembly

## ***Amendment***

***January Session, 2015***

**LCO No. 8763**



Offered by:

REP. TONG, 147<sup>th</sup> Dist.  
REP. STAFSTROM, 129<sup>th</sup> Dist.  
REP. BARAM, 15<sup>th</sup> Dist.  
REP. SMITH, 108<sup>th</sup> Dist.

REP. HARDING, 107<sup>th</sup> Dist.  
REP. REBIMBAS, 70<sup>th</sup> Dist.  
SEN. COLEMAN, 2<sup>nd</sup> Dist.  
SEN. KISSEL, 7<sup>th</sup> Dist.

To: Subst. House Bill No. **6774**

File No. 728

Cal. No. 462

### ***"AN ACT CONCERNING ADOPTION OF THE CONNECTICUT UNIFORM POWER OF ATTORNEY ACT."***

1 Change the effective date of sections 1 to 56, inclusive, to "Effective  
2 July 1, 2016"

3 In lines 87 and 412, after "public", insert ", a commissioner of the  
4 Superior Court"

5 In line 147, strike "or an appropriate governmental official"

6 In line 216, strike "or an appropriate governmental"

7 In line 217, strike "official"

8 Strike lines 242 to 244, inclusive, in their entirety and substitute the  
9 following in lieu thereof:

10 "Sec. 11. (NEW) (*Effective July 1, 2016*) (a) A principal may designate  
11 two or more persons to act as coagents. Unless the power of attorney  
12 otherwise provides by use of the word "severally" in the power of  
13 attorney that each agent acting alone is able to exercise the power  
14 conferred, each coagent shall exercise its authority jointly."

15 In line 245, strike "independently."

16 In line 284, strike "Unless" and substitute "Once a power of attorney  
17 is delivered, unless" in lieu thereof

18 In line 333, after the period, insert "An agent shall not be considered  
19 to have special skills or expertise solely because such agent is an  
20 attorney."

21 In line 449, after "certification", insert a comma

22 In line 507, after "established" insert "for a disabled person"

23 In line 509, strike "attorney in fact" and insert "agent" in lieu thereof

24 Strike section 41 in its entirety and substitute the following in lieu  
25 thereof:

26 "Sec. 41. (NEW) (*Effective July 1, 2016*) (a) The use of the following  
27 form in the creation of a power of attorney is authorized, and, when  
28 used, it shall be construed in accordance with the provisions of  
29 sections 1 to 45, inclusive, of this act:

30 "Notice: The powers granted by this document are broad and  
31 sweeping. They are defined in Connecticut Uniform Power of Attorney  
32 Act, which expressly permits the use of any other or different form of  
33 power of attorney desired by the parties concerned. The grantor of any  
34 power of attorney or the agent may make application to a court of  
35 probate for an accounting as provided in subsection (b) of section 45a-  
36 175, of the general statutes. This power of attorney does not authorize  
37 the agent to make health care decisions for you.

38 Know All Persons by These Presents, which are intended to  
39 constitute a GENERAL POWER OF ATTORNEY pursuant to  
40 Connecticut Uniform Power of Attorney Act:

41 That I .... (insert name and address of the principal) do hereby  
42 appoint .... (insert name and address of the agent, or each agent, if  
43 more than one is designated) my agent(s) TO ACT .....

44 If more than one agent is designated and the principal wishes each  
45 agent alone to be able to exercise the power conferred, insert in this  
46 blank the word 'severally'. Failure to make any insertion or the  
47 insertion of the word 'jointly' shall require the agents to act jointly.

48 First: In my name, place and stead in any way which I myself could  
49 do, if I were personally present, with respect to the following matters  
50 as each of them is defined in the Connecticut Uniform Power of  
51 Attorney Act to the extent that I am permitted by law to act through an  
52 agent:

53 (Strike out and initial in the opposite box any one or more of the  
54 subdivisions as to which the principal does NOT desire to give the  
55 agent authority. Such elimination of any one or more of subdivisions  
56 (A) to (M), inclusive, shall automatically constitute an elimination also  
57 of subdivision (N).)

58 To strike out any subdivision the principal must draw a line  
59 through the text of that subdivision AND write his initials in the box  
60 opposite.

- |    |     |  |     |
|----|-----|--|-----|
| T1 | (A) | real estate transactions (real property);                      | ( ) |
| T2 | (B) | chattel and goods transactions (tangible personal property);   | ( ) |
| T3 | (C) | bond, share and commodity transactions (stocks and bonds);     | ( ) |
| T4 | (D) | banking transactions (banks and other financial institutions); | ( ) |
| T5 | (E) | business operating transactions (operation of entity or        | ( ) |
| T6 |     | business);   |     |
| T7 | (F) | insurance transactions (insurance and annuities);              | ( ) |

T8	(G)	estate transactions (estates, trusts, and other beneficial	( )
T9		interests);	
T10	(H)	claims and litigation;	( )
T11	(I)	personal relationships and affairs (personal and family	( )
T12		maintenance);	
T13	(J)	benefits from military service (benefits from governmental	( )
T14		programs or civil or military service);	
T15	(K)	records, reports and statements;	( )
T16	(L)	retirement plans;	( )
T17	(M)	Taxes;	( )
T18	(N)	all other matters;	( )
T19		.....	
T20		.....	
T21		.....	
T22		.....	

61 (Special provisions and limitations may be included in the statutory  
 62 form power of attorney only if they conform to the requirements of the  
 63 Connecticut Uniform Power of Attorney Act.)

64 (Strike out below and initial in the opposite box any one or more of  
 65 the subdivisions as to which the principal does NOT desire to give the  
 66 agent authority. To strike out any subdivision the principal must draw  
 67 a line through the text of that subdivision AND write his initials in the  
 68 box opposite).

69 (CAUTION: Granting any of the following will give your agent the  
 70 authority to take actions that could significantly reduce your property  
 71 or change how your property is distributed at your death)

72 YOU SHOULD SEEK LEGAL ADVICE BEFORE

73 INCLUDING THE FOLLOWING POWERS:

T23	(O)	Create, amend, revoke or terminate an inter vivos trust,	( )
-----	-----	--	-----

- T24 provided in the case of a trust established for a disabled  
 T25 person pursuant to 42 USC 1396p (d)(4)(A) or 42 USC  
 T26 1396p (d)(4)(C), the creation of such trust by an agent shall  
 T27 be only as permitted by federal law  
 T28
- T29 (P) Make a gift, subject to the limitations of the Connecticut ( )  
 T30 Uniform Power of Attorney Act and any special  
 T31 instructions in this power of attorney. Unless otherwise  
 T32 provided in the special instructions, gifts per recipient may  
 T33 not exceed the annual dollar limits of the federal gift tax  
 T34 exclusion under Internal Revenue Code Section 2503(b), or  
 T35 if the principal's spouse agrees to consent to a split gift  
 T36 pursuant to Internal Revenue Code Section 2513, in an  
 T37 amount per recipient not to exceed twice the annual federal  
 T38 gift tax exclusion limit. In addition, an agent must  
 T39 determine that gifts are consistent with the principal's  
 T40 objectives if actually known by the agent and, if unknown,  
 T41 as the agent determines is consistent with the principal's  
 T42 best interest based on all relevant factors  
 T43
- T44 (Q) Create or change rights of survivorship ( )  
 T45
- T46 (R) Create or change a beneficiary designation ( )  
 T47
- T48 (S) Authorize another person to exercise the authority granted ( )  
 T49 under this power of attorney  
 T50
- T51 (T) Waive the principal's right to be a beneficiary of a joint and ( )  
 T52 survivor annuity, including a survivor benefit under a  
 T53 retirement plan  
 T54
- T55 (U) Exercise fiduciary powers that the principal has authority ( )  
 T56 to delegate  
 T57

T58 (V) Disclaim or refuse an interest in property, including a ( )  
T59 power of appointment

74 Second: With full and unqualified authority to delegate any or all of  
75 the foregoing powers to any person or persons whom my agent(s)  
76 shall select;

77 Third: Hereby ratifying and confirming all that said agent(s) or  
78 substitute(s) do or cause to be done.

79 Fourth:

80 LIMITATION ON AGENT'S AUTHORITY

81 An agent that is not my ancestor, spouse, or descendant MAY NOT  
82 use my property to benefit the agent or a person to whom the agent  
83 owes an obligation of support unless I have included that authority in  
84 the special instructions.

85 Fifth:

86 DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

87 If my agent is unable or unwilling to act for me, I name as my  
88 successor agent:

89 Name of Successor Agent:\_\_\_\_\_

90 Successor Agent's Address:\_\_\_\_\_

91 If my successor agent is unable or unwilling to act for me, I name as  
92 my second successor agent:

93 Name of Second Successor Agent:\_\_\_\_\_

94 Second Successor Agent's Address:\_\_\_\_\_

95 Sixth:

96 EFFECTIVE DATE

97 This power of attorney is effective immediately unless I have stated  
98 otherwise in the special instructions.

99 In Witness Whereof I have hereunto signed my name and affixed  
100 my seal this .... day of ...., 20...

101 .... (Signature of Principal) (Seal)

102 (ACKNOWLEDGMENT)

103 The execution of this statutory form power of attorney shall be duly  
104 acknowledged by the principal in the manner prescribed for the  
105 acknowledgment of a conveyance of real property.

106 No provision of this chapter shall be construed to bar the use of any  
107 other or different form of power of attorney desired by the parties  
108 concerned.

109 Every statutory form power of attorney shall contain, in boldface  
110 type or a reasonable equivalent thereof, the "Notice" at the beginning  
111 of this section.

112 (b) A power of attorney is a "statutory form power of attorney", as  
113 this phrase is used in sections 1 to 45, inclusive, of this act, when it is in  
114 writing, has been duly acknowledged by the principal and contains the  
115 exact wording of clause First set forth in subsection (a) of this section,  
116 except that any one or more of subdivisions (A) to (V) may be stricken  
117 out and initialed by the principal, in which case the subdivisions so  
118 stricken out and initialed and also subdivision (N) shall be deemed  
119 eliminated. A statutory form power of attorney may contain  
120 modifications or additions of the types described in sections 1 to 45,  
121 inclusive, of this act.

122 (c) If more than one agent is designated by the principal, such  
123 agents, in the exercise of the powers conferred, shall act jointly unless

124 the principal specifically provides in such statutory short form power  
125 of attorney that they are to act severally.

126 (d) (1) The principal may indicate that a power of attorney duly  
127 acknowledged in accordance with this section shall take effect upon  
128 the occurrence of a specified contingency, including a date certain or  
129 the occurrence of an event, provided that an agent designated by the  
130 principal executes a written affidavit that such contingency has  
131 occurred.

132 (2) The principal may indicate the circumstance or date certain upon  
133 which the power of attorney shall cease to be effective.

134 (e) The following optional informational form may be used as part  
135 of the Statutory Form or as part of a separate document from the  
136 Statutory Form.

137 IMPORTANT INFORMATION FOR AGENT

138 Agent's Duties

139 When you accept the authority granted under this power of  
140 attorney, a special legal relationship is created between you and the  
141 principal. This relationship continues until you resign or the power of  
142 attorney is terminated or revoked. You must:

143 (1) Do what you know the principal reasonably expects you to do  
144 with the principal's property or, if you do not know the principal's  
145 expectations, act in the principal's best interest;

146 (2) Act in good faith;

147 (3) Do nothing beyond the authority granted in this power of  
148 attorney; and

149 (4) Disclose your identity as an agent whenever you act for the  
150 principal by writing or printing the name of the principal and signing  
151 your own name as "agent" in the following manner:

152 (Principal's Name) by (Your Signature) as Agent

153 Unless the special instructions in this power of attorney state  
154 otherwise, you must also:

155 (1) Act loyally for the principal's benefit;

156 (2) Avoid conflicts that would impair your ability to act in the  
157 principal's best interest;

158 (3) Act with care, competence, and diligence;

159 (4) Keep a record of all receipts, disbursements, and transactions  
160 made on behalf of the principal;

161 (5) Cooperate with any person that has authority to make health  
162 care decisions for the principal to do what you know the principal  
163 reasonably expects or, if you do not know the principal's expectations,  
164 to act in the principal's best interest; and

165 (6) Attempt to preserve the principal's estate plan if you know the  
166 plan and preserving the plan is consistent with the principal's best  
167 interest.

#### 168 Termination of Agent's Authority

169 You must stop acting on behalf of the principal if you learn of any  
170 event that terminates this power of attorney or your authority under  
171 this power of attorney. Events that terminate a power of attorney or  
172 your authority to act under a power of attorney include:

173 (1) Death of the principal;

174 (2) The principal's revocation of the power of attorney or your  
175 authority;

176 (3) The occurrence of a termination event stated in the power of  
177 attorney;

178 (4) The purpose of the power of attorney is fully accomplished; or

179 (5) If you are married to the principal, a legal action is filed with a  
180 court to end your marriage through divorce or annulment, or for your  
181 legal separation, unless the special instructions in this power of  
182 attorney state that such an action will not terminate your authority.

183 Liability of Agent

184 The meaning of the authority granted to you is defined in the  
185 Connecticut Uniform Power of Attorney Act, sections 1 to 45,  
186 inclusive, of this act. If you violate the Connecticut Uniform Power of  
187 Attorney Act, sections 1 to 45, inclusive, of this act or act outside the  
188 authority granted, you may be liable for any damages caused by your  
189 violation.

190 If there is anything about this document or your duties that you do  
191 not understand, you should seek legal advice.

192 After the last section, add the following and renumber sections and  
193 internal references accordingly:

194 "Sec. 501. Section 29-1f of the general statutes is repealed and the  
195 following is substituted in lieu thereof (*Effective July 1, 2016*):

196 (a) The clearinghouse established under section 29-1e shall collect,  
197 process, maintain and disseminate information to assist in the location  
198 of any missing person who (1) is eighteen years of age or older and has  
199 a mental impairment, or (2) is sixty-five years of age or older, provided  
200 a missing person report prepared by the Department of Emergency  
201 Services and Public Protection has been filed by such missing person's  
202 relative, guardian, conservator or [attorney-in-fact] agent appointed by  
203 the missing person in accordance with [chapter 7] sections 1 to 45,  
204 inclusive of this act, any health care representative appointed by the  
205 missing person in accordance with section 19a-576 or a nursing home  
206 administrator, as defined in section 19a-511, or, pursuant to section  
207 17a-465b, by an employee of the Department of Mental Health and

208   Addiction Services who is certified under the provisions of sections 7-  
 209   294a to 7-294e, inclusive. Such relative, guardian, conservator,  
 210   [attorney-in-fact] agent, health care representative, nursing home  
 211   administrator or employee shall attest under penalty of perjury that  
 212   the missing person (A) is eighteen years of age or older and has a  
 213   mental impairment, or (B) is sixty-five years of age or older. No other  
 214   proof shall be required in order to verify that the missing person meets  
 215   the criteria to be eligible for assistance under this subsection. Such  
 216   relative, guardian, conservator, [attorney-in-fact] agent, health care  
 217   representative, nursing home administrator or employee who files a  
 218   missing person report shall immediately notify the clearinghouse or  
 219   law enforcement agency if the missing person's location has been  
 220   determined.

221       (b) Subject to available resources, the clearinghouse established by  
 222   section 29-1e may collect, process, maintain and disseminate  
 223   information to assist in the location of missing persons other than  
 224   children and those persons who are eligible for assistance under  
 225   subsection (a) of this section."

This act shall take effect as follows and shall amend the following sections:		
Sec. 11	<i>July 1, 2016</i>	New section
Sec. 41	<i>July 1, 2016</i>	New section
Sec. 501	<i>July 1, 2016</i>	29-1f